

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

ELGRET L. BURDEX,	)	
	)	
Plaintiff,	)	
vs.	)	NO. CIV-10-119-D
	)	
PHILLIP SMITH, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff, who appears *pro se*, brought this action pursuant to 42 U. S. C. § 1983. He alleges that his constitutional rights were violated during his confinement as a pretrial detainee. Pursuant to 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings.

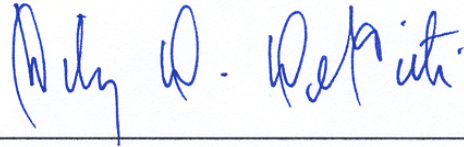
Plaintiff filed a motion for default judgment [Doc. No. 55], alleging that Defendants failed to respond to the Complaint. On August 26, 2010, the Magistrate Judge filed a Report and Recommendation [Doc. No. 56] in which he recommended the motion be denied. He noted that, contrary to Plaintiff's contention, the Court Clerk has not filed an entry of default against any defendant; furthermore, he noted that all defendants filed answers or motions to dismiss.

In the Report and Recommendation, Judge Argo advised Plaintiff of his right to object to the findings and conclusions set forth therein and scheduled a September 15, 2010 deadline for filing such objections. He also expressly cautioned Plaintiff that a failure to timely file objections would result in a waiver of the right to appellate review of the matters determined in the Report and Recommendation.

The deadline for filing objections has expired, and Plaintiff has not filed an objection to the Report and Recommendation or sought an extension of time in which to do so. Therefore, the

Report and Recommendation [Doc. No.56]is adopted as though fully set forth herein. Plaintiff's default judgment motion [Doc. No. 55] is denied. As set forth in the Report and Recommendation, this action remains under referral to Judge Argo.

IT IS SO ORDERED this 8<sup>th</sup> day of October, 2010.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE